

15.
1026. f 11.
15
RIGHTEOUS JUDGMENT.

A
S E R M O N

PREACHED IN THE
UNIVERSITY CHURCH
OF
G R E A T S T. M A R Y's,

BEFORE THE
HON. SIR W. ASHURST, KNT.

ON THE 11th OF MARCH, 1794,
BEING THE DAY of ASSIZE.

BY THE
REV. JOHN OWEN, A.M.

FELLOW OF CORPUS-CHRISTI COLLEGE, CAMBRIDGE.

C A M B R I D G E,

PRINTED BY JOHN ARCHDEACON AND JOHN BURGESS,
PRINTERS TO THE UNIVERSITY;

AND SOLD BY J. & J. MERRILL, AND W. H. LUNN, CAM-
BRIDGE; J. FLETCHER, OXFORD; T. CADELL,
STRAND; FAULDER, BOND-STREET; DEIGHTON,
HOLBORN; AND SIMMONDS, KIRKBY AND
JONES, CANTERBURY.

M D C C X C I V.

(Price ONE SHILLING.)

A
S E R M O N, &c.

ST. JOHN, Ch. vii. Part of 24th Verse.

JUDGE RIGHTEOUS JUDGMENT.—

NO precept in the Christian Law does greater honour to the wisdom and benignity of the Divine Legislator than that which the words recited convey.—It is a precept formed upon principles of generous extent, and embraces an ample range of reason and propriety.—Adapted to the circumstances of human society, it

A meets

meets most accurately the necessities of mankind; and tends to augment the dignity of our nature, by reducing the influence of its imperfections.

The expediency of ascertaining an accurate judgment on subjects of personal and publick interest, demands with minds open to the impressions of candor, but little enforcement; and the principle contended for, will find adversaries in those alone, who purposely narrow the sphere of intellectual vision; and tremble to encounter the blaze of truth.

The precept as it stands commended to our attention is involved in no studied obscurity of thought or expression—it speaks a language at once intelligible and impressive; and is in its *nature* and its *powers* of the chastest *simplicity* and the widest *comprehension*.

Its *nature* possesses all that purity which leads to the refinement of intellect and the correction of passion.—It calls the capricious attention of mankind to a strict contemplation of their rational duties, and commends to their bosoms a principle that discards

discards the influence of prejudice and rejects the bias of prepossession.—It produces a temper of ingenuous exactitude and inspires a sentiment of undeviating integrity.—It urges the mind to all the amplitude of investigation, and all the accuracy of decision, and prompts it to combine in the exercise of discussion, the vigour of reason with the precision of truth.

The *powers* of this precept are no less ample than its nature is pure—they are not restricted to the simple functions of private duty, nor are they confined within the narrow limits of devotional regards:—they are capable of rising into a scale of extended application, and fixing a standard of *equitable judgment* for every event in life, and every rank in society.

Without entering further into a general discussion of this Sacred maxim, I shall consider it in application to the various classes of society under their distinct characters; and commend the exercise of a righteous judgment.

First—To the Magistrate.

Secondly—To the Subject.

Thirdly—To the Community at large, in reference to some particulars now at issue.

I. To the Magistrate.—

1. The principle inculcated in this Scriptural precept is of the first importance to those who possess the functions of authority, and are exalted in the scale of political pre-eminence.—Without penetrating through the revolutions of society to the remote origin of civil compact;—without ascending to the various exigencies of necessity or degrees of consent which fixed the union of mankind, and gave to authority and subordination, a legitimate existence, we may be warranted to regard the civil magistrate in every department of political establishment—as the ostensible functionary of public justice.

Mankind were never formed to bend the neck of submission to capricious tyrannies, nor to support by laborious servitude the splendor of wanton oppression.—The institution

stitution of power and the distribution of ranks were imagined for the coercion of violence, not the suppression of rights;— and all that exists of commendable establishment in the modes of government which society has admitted, exists for the sovereign end of *Universal happiness*.

As therefore authorities existing for the publick good—as solemn functionaries of an important trust—Magistrates are pledged to society at large, for an equitable discharge of their respective duties:— by the station they occupy, and the jurisdiction they possess, they are called upon to satisfy the obligatory requisitions of religion and expediency, by becoming the faithful organs of impartial justice, and the inflexible depositaries of equal laws.

2. A second application of the precept in the case of the civil magistrate relates to “the more vigorous execution of justice, which crises of singular exigency may appear to demand.”

In the regular progress of civil society, in the undisturbed current of political events, the safety of a state may be competently

petently provided for by a *general* attention to the execution of the laws.—But the various fluctuations of human society will produce a variety of exigencies, and demand, with the increase of public necessity, a proportionate increase of judicial vigilance.—There are indisputably in the history of states, crises of danger, in which the ordinary activities of publick justice will be found inadequate to the forces which league against the common security.—There are unquestionably moments of embarrassment in which the full energy of existing laws must be employed in order to strengthen the arm of debilitated authority, and repress the bursting torrent of publick defiance.

Magistrates are in Scripture represented as the official sentinels of a state; and of consequence, their vigilance must be augmented as their duties increase, and the *measures* of their activity be *proportioned* to the magnitude of the danger.—It is their's to expound the tenor of that code which points their sword, and arms their thunders—it is their's to seek out the insinuous

ous engines of domestic discord, and drag to open crimination the lurking emissaries of faction and revolt—it is their's to quicken or retard (as expediency may prescribe) the march of inquisitive justice; and to nerve or relax (as the common safety may require) the sinews of authority—maintaining however inviolate, that *equity* of judgment, which seeks the guilt in the motive, and proportions the punishment to the crime — preserving that temper of conscientious rectitude which departs from no duty to serve an interest;— which disallows the suggestions of rigor, and resists the whispers of lenity — which neither cedes to *corruption* the dictates of *mercy*, nor sacrifices to *faction* the requisitions of *justice*.

A *third* situation in which the precept may be treated in application to the civil magistrate, relates to “ that protection he is pledged to afford, to the interests of religion and morality.”

It has been decided by a wisdom which should be cautiously questioned a wholesome regulation in the institutions of this country

country to incorporate under one common patronage the respective duties of the *subject* and the *Christian*, and to stimulate the exercise of *civil* obedience by the cogent principle of *religious* influence.—Thus associated in bonds of strict connection, the system of civil and religious establishment compose but one and the same interest, and partake reciprocally of all the injuries which each sustains.—In directing therefore the movements of civil authority, regard must be had to the corresponding necessities of religion and morality, and the arms which are exerted in the defence of the *first*, must be equally extended to the protection of the *last*;—in repelling the advances of political innovation, due resistance must be made to those fanciful systems which would demolish the altars of established worship and efface the last semblance of national religion.

Yet here must the sceptre be swayed with benignity, and the arm of authority be guided by discretion.—In protecting with due energy the uniformity of established opinion, indulgence must be accorded

corded to the unalterable privileges of private dissent; and the pre-eminence granted to the *one* be rendered the least possible depression of the *other*: — The range of conscience must be left uncontracted by rude intolerance; nor must the dearest gift of heaven be invaded, in order to impregnate the *civil* code with a spiritual energy.

II. I am to consider the precept in application to the subjects;—

I. “ In estimating the conduct of their *political interests*.”

In no department of human inquiry does *equity of judgment* encounter more serious obstacles than in that investigation which fastens upon public measures.— Complicate in their nature, profound in their principle, provident in their end, they are not easily embraced in all their just extent by narrowness of intellect and inferiority of condition.—In order to deliberate with success upon a system of policy comprehensive in its parts, rapid in its movements, and obscure in its design,

B

the

the measures of inquiry should be extensive, the rules of decision correct:—The compass of experience should be wide, the portion of virtue considerable:—It is not sufficient that the system be discussed in its naked existence or scrutinized in its abstract character:—Previous necessities must be adverted to, and impending consequences conjectured:—The evil which it has induced must be compared with the evil it has removed; and the sensible experience of its present inconvenience be balanced against the strong presumption of its future good.

2. A second application of this precept in the case of the Subject will relate to “that judgment which passes upon the *administration of the laws.*”

Our first established that *equity of judgment* which should guide the Subject in estimating those measures of higher moment upon which is supposed to depend our political existence.—There is however in the *administration of the laws* an ample sphere in which public criticism delights to range; and which, touching more nearly the

the personal rights of each individual, provokes a more strict and intrepid scrutiny. Law is in all shapes an abridgement of natural liberty; and the sword of the Magistrate is the scourge at once of human vice and human infirmity. Deluged therefore as society is with vices and infirmities, it were not to be wondered at that a repugnance should exist in the bulk of mankind to that authority which is "a terror to evil doers," and "a praise" alone "to them that do well."

Further:—It has been contended in an early part of this discourse that a right of quickening the activities of law in crises of particular emergency attaches to the important trust of the Magistrate; and that the same principle of expediency, which relaxed the rigor of justice in moments of calm, ought to animate its resuscitated functions in circumstances of public *tumult*.

Amidst however such movements the public sentiment cannot be expected to possess an uniformity; nor can it be supposed that the judgment of individuals

will be drawn out into candid and equitable decision.

With some the vigor of inquisitive justice will wear the obnoxious features of wanton severity, and the spontaneous services of auxiliary virtue be regarded as the presumptuous intrusion of officious vigilance.—Such will eye the laws as armed with new powers, and supplied with the formidable weapons of discretionary authority.—The desperate and the factious will gladly shelter under the sanction of those whose virtue takes the cast of *rigid resistance*; who, forward to oppose speculative right to practical expediency, would compromise the safety of the present generation in providing for the good of posterity.

In estimating however the application of this stricter policy, the mind uninfluenced by partial attachments will seek its equity in the occasions which demanded its exertion, and the integrity which administered its rigours. — The mind that would embrace a rational conviction will trace with scrupulous accuracy the
alarm-

alarming symptoms of public danger, and pierce the opening perspective of future havock:—It will rend the veil of imposing prejudice, and dismiss the influence of habitual security:—It will call up events of past embarrassment, and copy the wisdom of antient expedients:—With a virtue, from which it cannot depart, it will balance the severity it cherishes against the turbulence it checks; and suffer no presumption to veil its danger, no prepossession to obstruct its conviction.

In adjudging the merits of those who succour with temporary aid the public authority, the mind will acknowledge ingenuous sentiment and virtuous intrepidity:—Yet, strict to mark the bounds of duty and honor, it will labor to arrive through the covert of action to the secrecy of motive;—will separate with religious equity all that is interested from all that is magnanimous, and discriminate (so far as is practicable) between the sordid impulses of personal aggrandisement and the generous motives of public good.

3. A third application of this precept in the case of the Subject relates “to the judgment which passes upon *individuals*”.

The sphere of private duty admits in but a limited degree the investigation of individual virtue:—Lost in the indiscriminate mass of society, charged with no functions of public responsibility, the avenues to private character are of difficult access, and the springs of individual action are sunk in impervious obscurity.—Around humanity is thrown a cloud of frailties, which intercepts at once the lustre of virtue, and impedes the rectitude of judgment.

Yet forgetful of the frailties himself experiences, and deaf to the remonstrances of scriptural caution, man becomes the inquisitor of man; and carries the rigors of censorious severity against the common inheritor of the same infirmities.—Pretenders to refinement, mankind are seen to let loose upon each other all the ungenerous passions of barbarous life:—Malig-
nity

nity and calumny too frequently borrow the imposing colours of liberality and candour, and bigotry under the mask of freedom, asperes that virtue which *dares be just*.

Each assumes an authority to decide upon the strict proportion of another's integrity: — though each is exposed to infirmity and to crime; — though each “to his own master must stand or fall;” — though each must provide for his own acquittal, and become accountable for the errors of his judgment and his heart to God, his conscience, and his country.

How beauteous would the face of society become, did the gentler influences of humanity prevail, and the passions admit that happy refinement which the oracles of our faith are calculated to produce! — Were each to study the ingenuous arts of religious benignity; — were each to adopt the impressivè instructions of scriptural counsel: — were each to point the rigors of inquiry from the frailties of his brother to the vices of his own bosom, and labour
as

as strenuously for *personal*, as he clamours loudly for *publick* reform, the visions of Theorists might then be realized, and the improvement of society receive its consummation.

III. I am to address the precept to the Community at large, in reference to some particulars now at issue.

The first respects the *characters of our enemies*.

In all questions of magnitude it is to be expected that the public sentiment will inevitably divide; and in no case has this observation been more completely verified than in the pictures drawn by contending parties of that nation, which has now provoked our open hostilities. On the one hand, your feelings have been powerfully besieged by a zealous impeachment of that distracted people, whose enormities revolt the sensibilities of nature.—These, sufficiently ample in their naked reality, have been augmented by a thousand rhetorical
fic-

fiction. Your reason has been assailed by a groupe of ghastly metaphors; and your judgment drowned in a deluge of bloody imagery.

It should hence have appeared as though the atrocities of that country wanted aggravation, and impeaching their humanity was exalting our virtue: As though we rose in purity, in proportion as they sunk in crime; and proofs of our honor were to be found in the records of their disgrace.

On the other hand, it cannot be too seriously lamented that industrious palliatives should ever have been fabricated of crimes which no irritation can extenuate, which no hostilities can excuse. — Men, of whom we cannot think without reverence, nor speak without delicacy, have employed a sophistry unworthy their reason and their virtue to soften the shades of revolutionary guilt, and obstruct the universality of publick abhorrence against the common depredators of human society.

Their enormities have been represented as *incidental*, their injustice *temporary*: —

C

Their

Their massacres have been said to have no *murder*, their infidelity no *atheism*, their speculation no *robbery*. — A soil prolific of the weeds of anarchy has been held out as the Canaan of virtuous freedom; and a country, desolate with blood and carnage, pictured as “as a land that floweth with milk and honey.”

The duty we owe to the spirit of scriptural command calls upon us to pursue a line of stricter equity, and to carry our reflections beyond our enemies—even to ourselves.

Impressed with a just and holy indignation against those acts of licentious outrage, we must not suffer the soul to be conducted through a perpetual labyrinth of descriptive horror; but turn a reflective eye upon the errors which gave birth to these distractions, and the national instruction which these may convey.—It is our part to trace in this desolated Empire a bold example of general depravity and political precipitance; to read in its catastrophes a fearful lesson—not to magistrates, how they dare be strenuous; not
to

to a people, how they dare be free;—but to all ranks and conditions in society, to all who rule and all who serve, how they dare o'erstep the modesty of nature and pass the bounds of rectitude and justice.

2. A second particular to which the sentiment in our precept may be applied is “the consideration of those grievances under which we are supposed to labour.”

It must be with regret acknowledged, that arts of no ordinary subtlety have been of late employed to heighten the fretful picture of national grievances; and to bring into reproach the faintest institutions from which they flow: A veil has been industriously thrown over the brighter features of that government we enjoy; and the eye, averted from its excellencies, has been encouraged to fix upon its defects. Advantage has been taken of existing ills, to kindle in the public mind the flames of revolt; and to forge into an in-

strument of universal havock the dis-satisfaction that pervades the humbler classes of society.

The dis-occupation of the manufacturer, and the distresses of the indigent, are indeed loud demands upon public compassion: Yet, blended with those calamities which inevitably flow from a necessary resistance to the most destructive arms, they are less to be charged upon the improvidence of Government, than upon the vices of society at large.—Let then their sufferings be preferred to the ears of humanity, let their tears be poured into the bosom of sympathy; but let not their murmurs be mixed with the clamours of sedition, nor their sorrows pleaded to embarrass those measures which the last necessity *could alone* justify, and which *are indeed* justified by the last necessity.

3. A third application of the precept may be made to “the demanded reform of our political institutions.”

No undertaking can present to a rational mind difficulties of more serious magnitude

tude than the projected reparation of ancient establishments; yet no measure is contended for upon slighter evidence and narrower information.—Men are seen to urge with rash presumption the precipitate execution of that task, whose possible mischiefs demand that the grossness of the evil should have been universally felt, and the aptitude of the remedy profoundly ascertained. Such is however by no means the case: All are not agreed upon the extent of those disorders which form the grounds of complaint; still fewer are agreed upon the specific measures which might operate their removal.—But supposing that the ills, imagined to result from a defective representation and a circumscribed liberty, were acknowledged by a frank and unanimous avowal; supposing that all were agreed upon the specific mode of purifying the legislative body, and expanding the rights of individuals; — a last and serious obstacle would still be found in the difficulty of tempering the rage of factious licence, and confining within a constitutional channel the impetuous

petuous torrent of popular enthusiasm. Such objection may be calumniated as a pretext to cover the march of corruption—it may be ridiculed as a phantom suggested by a timidity of system; examples however abound on all hands to confirm the suspicion; and the reason of the objection is read in the fearful records of past revolutions, and the convulsions which now shake the states of Christendom.

Upon the whole, whatever be the state of public opinion on the various transactions which are now finding existence, I may presume that on one point at least all the virtue and integrity of the Nation possess one common sentiment, — “ that the crisis is big with momentous consequences.”—Never since the dawn of British history did clouds of darker aspect overhang the political hemisphere; never did the rage of intestine discord menace more fearful mischiefs to the permanence of antient establishments.

It may be that Britain has passed the zenith of her prosperity, and counted up
the

the measure of her years: — It may be that our iniquity has attained the plenitude of its guilt, and that the messengers of perdition have received their commission to desolate and destroy us.

It should seem indeed from the aspect, which society now presents, as though the inhabitants of the world were coalescing into one compact of general rebellion, and struggling to efface the last vestiges of authority throughout the globe. — It should seem as though the big predictions of antient times were advancing fast to their accomplishment, and the oracles of prophecy were shortly to be read in the ruins of the Universe.

Here then let us pause: — and consider how far we may provide for such probable events by a due application of our present advantages. Let the phrenzy of passion subside, and the mind be cloathed with the graces of benevolence: — Let the Scriptures be used with a due respect to their primitive end: — Let them be employed as correctives of *personal* rather

rather than *public* error—as sedatives of violence, not as incentives to discord—as rules of subordination, not as instruments of sedition.

Let virtue and religion discard from their attachments all that would tarnish the lustre of their characters, nor suffer the emissaries of iniquity to steal upon society under the honourable umbrage of their protection.

Let the various classes of the divided community combine their forces against the progress of a subtle adversary, and all the divisions of speculative dissent be sunk in the common bond of general security.

Finally.—Let the head be bowed in solemn humiliation, and the heart be softened to religious contrition; “Let the wicked” however exalted “forsake his way, and the unrighteous man” however dignified “his thoughts, and” severally “turn to the Lord our God.”—Then, whatever be the complexion of our future destiny, whether judgments overhang, or mercies
await

await, the progressive movements of our national fates,—whether, as we pass the ordeal before us, we are to sink in ruin or rise in glory; the duties we discharge, and the tempers we possess, will arm us with energy and compose us to submission: the torrent of indignation will not burst unexpected, nor the thunders of heaven strike us unprepared.

The horrors which shall purge the latter æras and consummate the closing destinies of mankind will leave for the righteous an inviolable sanctuary, and while they work the ruin of the world, accelerate the redemption of the just.—Beyond these scenes of tumultuous havock a fairer theatre is yet to be erected, and promised ages of righteous empire are to enclose the happy subjects of Messiah's reign.—There the jarring interests of divided society are to be for ever reconciled, and the refinements operated by a long probation to find their late existence.—There the trumpet of war shall move no hostilities; the clarion of discord proclaim no revolt.—Peace shall

D

be

be secured by the diffusion of that virtue which shall have found its perfection; and harmony perpetuated by the influence of that knowledge which "shall cover the earth as the waters cover the sea."

Now to God, &c.



*Also just published by the same Author,
(Price 2s. 6d.)*

THE RETROSPECT;

Or, Reflections on the State of Religion and
Politicks, in France and Great Britain.

Atque Utinam Republica stetisset quo cæperat statu, nec
in homines non tam *commutandarum* rerum quam *evertenda-*
rum cupidos incidisset.

CIC. OFF.

To be had of the same Booksellers.

A HISTORY

OF THE
(1793-1800)

THE PROSPECT

OF THE
IN THE
OF THE

OF THE
OF THE
OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

